

**ALLEGED SHIPMENT:** On or about February 28, 1947, by the National Cranberry Assoc., from Onset, Mass.

**PRODUCT:** 782 cases, each containing 24 15-ounce jars, of apricot-cranberry mix at Cincinnati, Ohio. The product was packed in transparent glass jars and had the general appearance of jam.

**LABEL, IN PART:** "Ocean Spray Apricot-Cranberry Mix."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, cranberries, had been in whole or in part omitted; Section 402 (b) (2), a product consisting essentially of apricots, cranberries, cranberry pomace, and sugar, containing artificial color, and having a soluble solids content of less than 65 percent, had been substituted for apricot-cranberry jam; and, Section 402 (b) (4), cranberry pomace had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for apricot-cranberry jam. The soluble solids content was less than 65 percent; it was made from a mixture composed of less than 45 parts by weight of the apricot-cranberry ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the standard; it contained cranberry pomace and artificial color, which are not permitted optional ingredients of apricot-cranberry jam; and the cranberry content was less than one-fifth by weight of the apricot-cranberry ingredient.

**DISPOSITION:** July 9, 1947. No claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to charitable and public institutions.

**12552. Adulteration and misbranding of apricot-cranberry mix and raspberry-cranberry mix. U. S. v. 43 Cases \* \* \*. (F. D. C. No. 23646. Sample Nos. 87684-H, 87685-H.)**

**LABEL FILED:** August 18, 1947, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about March 19, 1947, by the National Cranberry Assoc., from Onset, Mass.

**PRODUCT:** 43 cases of apricot-cranberry mix and 36 cases of raspberry-cranberry mix at Long Island City, N. Y. Each case contained 24 15-ounce jars.

**LABEL, IN PART:** (Jars) "Ocean Spray \* \* \* Apricot-Cranberry Mix [or "Raspberry-Cranberry Mix"] Contains Sugar, Raspberries [or "Apricots"] Cranberries, Water and Added Acid and Color."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), substances consisting essentially of apricots, cranberries, and sugar, or raspberries, cranberries, and sugar, having a soluble solids content of less than 65 percent, in the former, and 68 percent, in the latter, and containing artificial color, had been substituted for apricot-cranberry jam and raspberry-cranberry jam, respectively.

Misbranding, Section 403 (g) (1), the articles purported to be apricot-cranberry jam and raspberry-cranberry jam, foods for which definitions and standards of identity have been prescribed by the regulations, and they failed to conform to such definitions and standards, since the soluble solids content was less than 65 percent and 68 percent, respectively, the minimum permitted for such jams; and the articles contained artificial color, which is not permitted as an ingredient of apricot-cranberry jam and raspberry-cranberry jam.

**DISPOSITION:** October 24, 1947. Default decree of condemnation. The product was ordered delivered to charitable institutions.

**12553. Adulteration and misbranding of peach fountain fruit. U. S. v. 185 Cases \* \* \*. (F. D. C. No. 21910. Sample No. 1957-H.)**

**LABEL FILED:** December 9, 1946; amended February 12, 1947, Western District of South Carolina.

**ALLEGED SHIPMENT:** On or about September 1, 1946, by the Mary Ann Preserving Co., from Chattanooga, Tenn.

**PRODUCT:** 185 cases, each containing 25 14-ounce jars, of peach fountain fruit at Greenville, S. C.

**LABEL, IN PART:** "Mary-Ann Peach Fountain Fruit."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a substance consisting primarily of a mixture of peaches and sugar in the ratio of approximately

220 pounds of fruit to each 55 pounds of sugar, and having a soluble solids content of less than 65 percent, had been substituted for peach preserves, a food for which a definition and standard of identity has been prescribed by regulations.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for peach preserves, since the soluble solids content of the article was less than 65 percent.

**DISPOSITION:** March 25, 1947. The Mary Ann Preserving Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

**12554. Misbranding of peach jam. U. S. v. 11 Cases \* \* \*. (F. D. C. No. 21628. Sample No. 54577-H.)**

**LIBEL FILED:** November 8, 1946, Eastern District of Tennessee.

**ALLEGED SHIPMENT:** On or about July 12, 1946, by the H. T. Hackney Co., from Murphy, N. C.

**PRODUCT:** Peach jam. 9 cases, each containing 12 2-pound, 4-ounce jars, and 2 cases, each containing 6 4-pound, 4-ounce jars, at Chattanooga, Tenn.

**LABEL, IN PART:** "Pisgah Maid \* \* \* Peach Jam Peaches with Sugar and Cane Syrup Added Pisgah Maid Foods—Canton, N. C."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for peach jam because its soluble solids content was less than 65 percent, and because it contained cane sirup and was prepared from dried peaches, which are not permitted as optional fruit and saccharine ingredients of peach jam under the definition and standard.

**DISPOSITION:** March 28, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

**12555. Misbranding of kumquat preserves, preserved cherry kumquats, and spiced kumquats. U. S. v. 44 Jars, etc. (F. D. C. No. 23554. Sample Nos. 83128-H to 83130-H, incl.)**

**LIBEL FILED:** August 8, 1947, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about May 26, 1947, by the Wholesale Novelty Products, Inc., from Arcadia, Fla.

**PRODUCT:** 44 jars of kumquat preserves, 33 jars of preserved cherry kumquats, and 42 jars of spiced kumquats, at Louisville, Ky.

**LABEL, IN PART:** "Marse Chan Kumquats Preserves [or "Preserved Cherry Kumquats," or "Spiced Kumquats"] Net Weight 16 ounces."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the articles failed to bear labels containing an accurate statement of the quantity of the contents (The articles were short-weight.); and, Section 403 (f), the statement of the quantity of the contents was not prominently placed on the label with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use (The statement was in small type and practically illegible.).

Further misbranding, Section 403 (a), the label designation "Preserves," with respect to the kumquat preserves, was false and misleading as applied to this article (The article was not a preserve, since it contained only 32 percent soluble solids.); and, Section 403 (i) (2), the cherry kumquats and spiced kumquats were fabricated from 2 or more ingredients, and their labels failed to bear the common or usual name of each such ingredient.

**DISPOSITION:** September 30, 1947. Default decree of condemnation. The products were ordered delivered to a charitable institution, for consumption by its inmates.

**12556. Adulteration and misbranding of jelly. U. S. v. 18 Cases \* \* \*. (F. D. C. No. 23727. Sample Nos. 85670-H, 85671-H.)**

**LIBEL FILED:** On or about October 6, 1947, Western District of Virginia.

**ALLEGED SHIPMENT:** On or about August 14, 1947, by the Keller Food Products Co., from Philadelphia, Pa.